

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEST PALM BEACH, FLORIDA, AT CHAPTER 90 (UTILITIES), ARTICLE III (SEWERS AND SEWAGE DISPOSAL), SECTION 90-122 AND SECTION 90-126 REGARDING THE CITY'S WASTEWATER INDUSTRIAL PRETREATMENT PROGRAM TO COMPLY WITH REGULATIONS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR A CODIFICATION CLAUSE, A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of West Palm Beach is empowered to manage, operate and control its wastewater collection and transmission system ("Sewer System") and act as agent for the East Central Regional Wastewater Treatment Facilities Board (ECRWWTFB"), pursuant to the Interlocal Agreement dated September 9, 1992, to manage and operate the treatment and disposal system known as the East Central Regional Wastewater Treatment Facility ("ECRWWTF"); to require industrial surcharges and pre-treatment; to charge connection fees; to require and regulate connections to such wastewater system, pursuant to Section 153, Florida Statutes and the Federal Water Pollution Control Act; and

WHEREAS, Rule 62-625 of the Florida Administrative Code provides that the City shall have all the special and necessary power to develop and operate regional sewage treatment facilities in accordance with Federal law, State law and existing or future interlocal agreements, exclusive of municipal sewage systems; and

WHEREAS, pursuant to these authorities, the City Commission of the City of West Palm Beach through Ordinance No. 3434-01 adopted the City's Wastewater Industrial Pretreatment Program ("IPP") Ordinance, which among other things established local limits, regulating the introduction of certain pollutants into the City's Sewer System and the ECRWWTF; and

WHEREAS, the City is required to amend and update its Ordinance to comply with the regulations by the Department of Environmental Protection in Chapter 62-625, F.A.C. to implement pharmaceutical hazardous waste sewer and dental amalgam sewer bans; and

WHEREAS, the City Commission desires to amend and update Article III of Chapter 90 of the Code of Ordinances to comply with the Department of Environmental Protection regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THAT:

SECTION 1: Sections 90-122 and 90-126 within Article III (Sewers and Sewage

Disposal), Chapter 90 (Utilities), of the Code of Ordinances of the City of West Palm Beach are hereby amended to read as follows:

[For First Reading, the revisions from existing language are marked by underline and strike through.]

Sec. 90-122. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act and *the Act* mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Amalgam separator is a device that employs filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.

Amalgam waste means and includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chairside traps, vacuum pump filters, screens, and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.

ANSI/ADA Standard No. 108 is the American National Standards Institute and American Dentistry association standard for amalgam separators.

Approval authority (AA) means the state department of environmental protection or its successor agencies.

Authorized representative of the user means either:

- (1) If the user is a corporation, a responsible corporate officer.
- (2) If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3) above may designate another authorized representative if the authorization is in writing by the individual described in (1) through (3); the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and, the written authorization is submitted to the city. If an authorization under this paragraph is no longer accurate

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because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this subsection must be submitted to the city prior to or together with any reports to be signed by an authorized representative.

Best management practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or damage from raw materials storage.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter.

Building sewer means the conduit or pipe which conveys wastewater from the plumbing drain system of a building to a public sewer or other place of disposal.

Bypass means the intentional diversion of wastewater streams from any portion of an industrial user's treatment facility.

Can wash means a facility or other facilities (mop sink or service sink) in a food service establishment equipped with hot and cold running water under pressure used for cleaning garbage cans or related containers. Can washes are required for all food service establishments and are subject to approval by the city building official. Can washes inside the establishment are to be placed in an area separated from the food service area. A separate building, area, or weather cover approved by the city building department may be provided to house the can wash facility. All can wash facilities or approved substitutes must be provided with a backflow prevention device.

Car wash means any establishment used primarily for the washing and cleaning of automobiles, trucks, campers, boats, or other motorized equipment.

Categorical industrial user means an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C. and 40 CFR Chapter I, Subchapter N, Parts 405-471.

Categorical pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial users and which appear in Rule 62-625.410, F.A.C.

Chemical oxygen demand (COD) means a measure of the oxygen equivalent of that portion of the organic matter in a water sample that is susceptible to oxidation by a strong chemical oxidant.

City of West Palm Beach Sewer System (CWPBSS) means all facilities for collecting and pumping wastewater which are owned and controlled by the city.

Connected system means a publicly owned or privately owned wastewater collection or transmission system that connects to and discharges into the CWPBSS for purposes of treatment and disposal by the ECRWWTF.

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Control authority (CA) means the public utilities director or a duly authorized representative of the city, acting on behalf of the city as agent for the ECRWWTFB.

Daily maximum is the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Department of environmental protection (DEP) means the department of environmental protection of the state (Laws of Fla. ch. 75-22) or, where appropriate, the term may also be used as a designation for the secretary or other duly authorized official of such agency.

Discharge means the disposal of, deposit, placement, emittance, unloading, or release of a substance, or to cause or allow a substance to be disposed of, deposited, placed, emitted, unloaded, or released.

Domestic waste means any superfluous solid, liquid, or gaseous material derived principally from the use of sanitary conveniences of residences (including apartments and hotels), office buildings, industrial plants, institutions, or commercial establishments.

ECRWWTF means the East Central Regional Wastewater Treatment Facility, 4325 N. Haverhill, West Palm Beach, Florida, 33409, which treats and disposes of wastewater and wastewater sludge from the ECRWWTFB entities.

ECRWWTFB means the East Central Regional Wastewater Treatment Facilities Board.

Enforcement actions mean those actions taken by the city in response to violations of this article.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, 5 USC 903 (1970).

Existing source means any source of discharge that is not a new source. For dental amalgams, an existing source means any facility subject to this Section whose first discharge to the sewer collection system occurred on or before July 14, 2017.

Floor mop sinks mean a floor mounted waste receptor with a two-inch or larger waste outlet, equipped with hot and cold running water under pressure.

Floor sink means a type of indirect liquid waste receptor designed with a removable basket strainer or beehive strainer for the purpose of receiving the discharge from indirect liquid waste pipes only.

Flow proportional composite collection techniques means sample collection formed by mixing discrete sample of a constant sample volume with time interval between samples proportional to stream flow.

Food service means any establishment engaged in the preparation, handling, sale, or dispensing of food or foodstuffs, such as, but not limited to, restaurants, bars, nursing home and hospital kitchens, boarding home kitchens, soup kitchens, bakeries, cafeterias, ice cream parlors and manufacturers, convenience stores, food processors, and other facilities where cooking oil, grease, food, or food products may be introduced into the sanitary sewer system.

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Food waste means any superfluous solid material produced either from the domestic or commercial preparation, cooking, consumption, or dispensing of food, or from the handling, storage, or sale of produce.

Grab samples means an individual discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filter samples) and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

Grease interceptor means a concrete tank constructed according to F.A.C. Chapter 64E-6. This is installed in the wastewater line, of a minimum size of 750 gallons, leading from the sinks, floor drains, can wash, mop sinks, service sinks, or floor sinks in a food service facility.

Hauled wastewater means liquid wastewater and/or sludge brought to the ECRWWTF by means of tank trucks or other method.

Hazardous waste pharmaceutical is a pharmaceutical that is a solid waste, as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 261.2, and exhibits one or more characteristics identified in 40 CFR part 261 subpart C or is listed in 40 CFR part 261 subpart D.

Healthcare facility means any person that is lawfully authorized to:

- a) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or
- b) Distribute, sell, or dispense pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals.

Healthcare facility does not include pharmaceutical manufacturers.

Indirect discharge means the introduction of pollutants into the WWF from any nondomestic source regulated under sections 307(b), (c), and (d) of the Act and F.S. ch. 403.

Industrial discharger enforcement procedure (IDEP) means the industrial pretreatment enforcement response plan.

Industrial user (IU) means any user discharging industrial waste into the wastewater facility.

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Industrial waste and wastewater mean food waste, other waste, or any superfluous solid, liquid, or gaseous material resulting from manufacturing or commercial processes, or from natural resource development, recovery, or processing.

Industrial waste surcharge means an additional service charge assessed against industrial users whose wastewater characteristics exceed established surcharge limits.

Industrial wastewater discharge permit (permit) means written authorization from the public utilities director to discharge industrial wastewater to the wastewater facility, setting certain conditions and/or restrictions on such discharge.

Instantaneous maximum allowable discharge limit means the maximum concentration of a pollutant allowed to be discharged at any time, determined from analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interceptors (separators, grease traps, oil interceptor) means any device designed and installed at facilities (such as restaurants, car wash, service station, repair shop, etc.) to separate and retain floatable deleterious, hazardous, and/or undesirable matter from sewage or liquid wastes, and to discharge into the sewer system by gravity or by other means.

Interference means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the WWF, its treatment processes or operations, or its domestic wastewater residuals processes, use or disposal; and
- (2) Is a cause of a violation of any requirement of the ECRWWTF NPDES permit (including an increase in the magnitude or duration of a violation) or prevents use or disposal of domestic wastewater residuals in compliance with local regulations or rules of the state department of environmental protection, F.S. ch. 403, and all applicable federal laws.

ISO 11143 is the International Organization for Standardization's standard for amalgam separators.

Local limits mean the specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Rule 62-625.400, F.A.C.

Medical waste means solid and liquid wastes including, but not limited to, isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

mg/L means milligrams per liter.

Minor user means a user whose discharge may not significantly impact the WWF, degrade receiving water quality and/or contaminate sludge. Although a minor user is not a categorical industrial user, it has a potential to discharge a non-domestic or process waste stream.

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Monthly average means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

National categorical pretreatment standard. See, categorical pretreatment standard.

New source means:

- (1) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed pretreatment standards prescribed under section 307(c) (33 USC 1317) of the Act which will be applicable to such source, if the standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located;
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source;
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, will be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous on-site construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

(4) For dental amalgams, new source is any facility subject to this Section whose first discharge to the sewer system occurred after July 14, 2017 and must comply immediately upon commencement of discharge.

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Non-contact cooling water means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product, to which the only pollutant added is heat.

Non-significant categorical industrial user (NSCIU) means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blow-down wastewater, unless specifically included in the pretreatment standard) and:

- (1) Has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) Annually submits the certification statement required in section 53.081(G) of this article together with any additional information necessary to support the certification statement; and
- (3) Never discharges any untreated categorical process wastewater.

Notice of violation (NOV) means a written notice that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement.

NPDES permit means a permit issued pursuant to section 402 of the Act (33 USC 1342).

Other commercial facilities mean motels, hotels, coin laundries, commercial laundries, restaurants, etc., which have the capacity to introduce grease, oil, soaps, and detergents into the sanitary sewer system.

Other waste means municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, and all other substances as distinct from domestic animal waste, industrial waste, or food waste.

Pass through means a discharge which exits the ECRWWTF into the waters of the state or of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any regulatory requirement of the wastewater facilities permit (including an increase in the magnitude or duration of a violation).

Person means individual, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other legal business entity, any state or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the United States and any officer, agent, or employee thereof, and any organized group of persons whether incorporated or not.

pH means a measure of the alkalinity or acidity of a solution expressed in standard units (s.u.).

Pharmaceutical means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by Title 21 of

the Code of Federal Regulations part 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. Pharmaceutical does not include dental amalgam or sharps.

Pollutant means any dredged spoil, medical waste, solid waste, incinerator residue, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water and exhibit certain characteristics of wastewater (e.g. pH, temperature, turbidity, color, BOD, COD, toxicity or odor).

Pollution means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

Pretreatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater facility. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by F.A.C. 62-625.410(5). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the wastewater facilities. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with F.A.C. 62-625.410(6).

Pretreatment requirement means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

Pretreatment standard means for any specified pollutant, the prohibitive discharge standards as set forth in this article, the state's pretreatment standards, or the national categorical pretreatment standards, whichever standard is the most stringent.

Priority pollutant means any toxic pollutant regulated under categorical pretreatment standards.

Prohibited discharge standards or prohibited discharges means the absolute prohibitions against the discharge of certain substances as described in section 90-126.

RCRA means Resource Conservation and Recovery Act.

Repair shops mean any establishment used primarily for the repair of pumps, motors, motor vehicles, motor vehicle parts, machinery, engines, and any other equipment which contains combustible fuels, grease or oil.

Residential users mean a single-family occupancy or dwelling including, but not limited to, a single-family house, one-half of a duplex, an apartment or a mobile home.

Responsible corporate officer means:

- (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager:
 - a. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;
 - b. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
 - c. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;
 - d. Has been assigned or delegated the authority to sign documents in accordance with corporate procedures.

Reverse distributor means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

Sanitary sewer means a sewer carrying domestic, commercial, or industrial wastes to which stormwater, surface water and groundwater are not intentionally admitted.

Septic tank waste means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service sinks means a waste receptor used for drawing water for scrubbing, cleaning, and receiving the contents of empty garbage cans and scrub buckets and equipped with hot and cold running water under pressure.

Service station means any establishment used primarily for the dispensing of combustible fuels and oils, the changing of oils, and the greasing of motor vehicles.

Sewage means human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer means a pipe or conduit designed for carrying wastewater.

Significant industrial user (SIU) means the following:

- (1) Categorical industrial users; and
- (2) Any other industrial user that:

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- a. Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the wastewater facility (excluding domestic wastewater, non-contact cooling, and boiler blow-down wastewater); or
- b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the ECRWWTF; or
- c. Is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the wastewater facility's operation or for violating any pretreatment standard or requirement in accordance with Rule 62-625.500(2)(e), F.A.C.

The city may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625, 410, F.A.C., and 40 CFR Chapter I, Subchapter N, Parts 405-471, is a non-significant categorical industrial user.

Upon a finding that an industrial user meeting the criteria in subsection (2) above has no reasonable potential for adversely affecting the WWF operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with Rule 62-625.500(2)(e), F.A.C. determine that such industrial user should not be considered a significant industrial user.

Significant noncompliance (SNC) means any one or more of the following:

- (1) Violations of wastewater discharge limits:
 - a. *Chronic violations* means 66 percent or more of all measurements taken for the same pollutant during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits.
 - b. *Technical review criteria (TRC) violations* means 33 percent or more of all measurements taken for the same pollutant during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, multiplied by the applicable TRC. (TRC equals 1.4 for BOD, TSS, and oil and grease; and 1.2 for all other pollutants, except pH).
 - c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limits, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through (including endangering the health of the WWF personnel or the public).
 - d. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the city exercising its emergency authority to halt or prevent such a discharge.
- (2) Violations of compliance schedule milestones, contained in a permit or enforcement order, for starting construction, completing construction, and attaining final compliance by 90 days or more after the schedule date.

- (3) Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 45 days from the due date.
- (4) Failure to accurately report noncompliance.
- (5) Any other violation or group of violations, including a violation of best management practice, which the city determines will adversely affect the operation or implementation of the pretreatment program.

Significant violation means a violation which remains uncorrected 45 days after notification of noncompliance, which is part of a pattern of noncompliance over a 12-month period, which involves a failure to accurately report noncompliance, or which resulted in the city exercising emergency authority under section 90-132.

Sludge means any solid or semi-solid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Slug means any discharge of water, wastewater or industrial waste of a non-routine, episodic nature which has reasonable potential to cause interference or pass through, or in any other way violate the WWF regulations, local limits or permit conditions.

Standard industrial classification (SIC) code means a classification pursuant to the standard industrial classification manual issued by the United States Office of Management and Budget.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total suspended solids (TSS) or suspended solids mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Sec. 90-126. Prohibitions and limitations of discharge.

- (a) *Generally.* Users shall not discharge pollutants into the WWF unless in accordance with this article.
- (b) *Discharge prohibitions.* No user shall discharge into the WWF any waste or wastewater which may cause pass through or interfere with the operation or performance of the WWF. No user shall discharge into the WWF or any connected system any waste or wastewater containing any of the following:
 - (1) Toxic or poisonous substances, chemical elements or compounds, taste or odor-producing substances, or any other substances which are not amenable to treatment or reduction by the wastewater treatment processes employed by the ECRWWTF. Toxic pollutants shall include, but not be limited to, any pollutant identified pursuant to 40 CFR 116(4).

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- (2) Noxious, or malodorous solids, liquids, or gases or other wastewater which, either singly, or by interaction with other waste or wastewater:
 - a. Are capable of creating public nuisance or hazard to human or animal life;
 - b. Are or may be sufficient to prevent entry into a sewer for its maintenance, inspection, or repair; or
 - c. May create any hazard in the receiving waters of the ECRWWTF.
- (3) Pollutants which create a fire or explosion hazard in the WWF. Prohibited materials include, but are not limited to, petroleum oil and non-biodegradable cutting oil, gasoline, kerosene, fuel oil, motor oil, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides or any other substance which the city, the state, or any federal agency has determined is a fire hazard or a hazard to the WWF.
- (4) Radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by regulations within the Florida Administrative Code issued by the state department of health, and which will or may cause damage or hazards to the WWF or its operating personnel.
- (5) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool discharges, uncontaminated cooling water, unpolluted industrial process waters, air conditioning condensate, unless specifically authorized by the city in writing.
- (6) Domestic wastes from septic tanks, portable toilets, or other similar facilities, unless specifically authorized by the city in writing. Such discharges shall only be made at a site approved by the city.
- (7) Mineral oil in excess of 50 mg/L or animal/vegetable fats, wax, grease, or oils in excess of 100 mg/L, whether emulsified or not; or substances which may solidify or become viscous at temperatures lower than or equal to 150 degrees Fahrenheit (65.56 degrees Celsius).
- (8) All trucked or hauled pollutants are prohibited except at discharge points designated by the city.
- (9) Inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such concentrations as to pass through or cause interference with the operations of the WWF.
- (10) Waste or wastewater having a pH lower than 5.5 s.u. exhibiting any corrosive property which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment, or personnel of the WWF.

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- (11) Waste or wastewater having a pH higher than 9.5 s.u. which either singly or by interaction with other wastes is capable of causing damage or hazard to structures, processes, equipment or personnel of the WWF.
 - (12) BOD, COD, or chlorine in such concentration and/or flow as to constitute a significant load on or shock to the ECRWWTF or cause interference.
 - (13) Volume of flow or concentrations of wastes constituting slugs as defined in this article.
 - (14) Liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65.56 degrees Celsius) or that causes influent temperature to the ECRWWTF to exceed 104 degrees Fahrenheit (40 degrees Celsius), except where higher temperatures are approved by DEP.
 - (15) Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in a sewer, or other interference with the proper operation of any connected system, such as but not limited to: particles greater than one-half inch in any dimension, grease, un-comminuted food wastes, animal entrails or tissues, paunch manure, bones, hair, hides or fleshings, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, waste paper, wood plastics, rubber stoppers, tar asphalt residues from refining or processing of fuel or lubricating oil, gasoline, naphtha, and similar substances either whole or ground.
 - (16) Excessive discoloration which cannot be removed by the treatment process, such as but not limited to dye, printing wastes, and vegetable tanning solutions which imparts color to the ECRWWTF effluent thereby violating the city's NPDES permit. The discoloration (in combination with turbidity) shall not cause the ECRWWTF effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonally established norm for aquatic life.
 - (17) Medical wastes, except as authorized by the city in a wastewater discharge permit.
 - (18) Detergents, surface-active agents, or other substances which may cause excessive foaming in the WWF.
 - (19) Any sludges, screenings, or other residuals from the pretreatment of industrial wastes.
 - (20) Toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems.
 - (21) Any hazardous waste pharmaceuticals from healthcare facilities and reverse distributors.
- (c) *Compliance with national and local standards.* It shall be unlawful for any person to discharge any pollutant into the WWF or a connected system except when such discharge is in compliance with federal standards promulgated pursuant to the act, and any other more stringent state and local standards. Wastes containing concentrations in excess of the national categorical pretreatment standards are prohibited.
- (d) *Local pretreatment standards.*

Words underlined are additions to text;
Words ~~stricken~~ are deletions to text.

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- (1) No person shall discharge wastewater containing pollutants in excess of the local limits for those pollutants which have been established for East Central Regional Wastewater Treatment Facility using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of WWF employees, and adverse effects on wastewater residual disposals. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of the concentrations set forth from time to time by resolution of the city commission. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued. Any wastes containing concentrations in excess of the local pretreatment standards—surcharge limit shall be subject to surcharge, in accordance with section 90-133 of this Code.
- (2) Local limits are subject to change and shall be modified as needed based on regulatory requirements and standards, WWF operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective 30 days from notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits. The local limits apply at the point where the wastewater is discharged to the WWF.
- (3) All concentrations for metallic substances are for total metal unless indicated otherwise. The city may impose mass limitations, instantaneous maximum limitations, maximum monthly average values, or maximum four-day average values, in addition to, or in place of, the limitations listed above. The city may also develop best management practices (BMPs) to implement local limits. Such BMPs shall be considered local limits and pretreatment standards for the purpose of this article.
- (4) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city's authorized representative may impose equivalent concentration or mass limits in accordance with Rule 62-625.410(4), F.A.C.
- (5) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the city may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial users. This should be in accordance with Rule 62-625.410(4), F.A.C.
- (6) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the city's authorized representative shall impose an alternate limit using the combined waste stream in accordance with Rule 62-625.410(6), F.A.C.
- (7) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in Rule 62-625.700, F.A.C.,

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that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- (8) A user may obtain a net gross adjustment to a categorical pretreatment standard in accordance with Rule 62-625.820, F.A.C.
- (e) *Right of revision.* The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent limitations or requirements on discharges to the WWF if deemed necessary to comply with the requirements of this division.
- (f) *Dilution.* No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with the limitations unless expressly authorized by an applicable federal categorical pretreatment standard, or in any other pollutant-specific limitation developed by the state. The city may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.
- (g) *Septic and industrial waste hauling.*
 - (1) Septic tank waste may be introduced into the WWF only at the septic receiving station located at the ECRWWTF.
 - (2) Any industrial or septic waste haulers shall have a discharge permit issued under conditions specified in section 90-128.
 - (3) No hauled load may be discharged without prior written consent from the city. Samples may be collected from each load to ensure compliance with applicable standards. The industrial or septic waste hauler may be required to provide waste analysis of any load prior to discharge.
 - (4) Industrial and septic waste haulers must provide a waste tracking form for every load. The form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, volume and characteristics of waste. This form shall identify the type of industry known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.
- (h) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following reporting and waste management practices:
 - (1) For existing sources, a one-time Compliance Report is due no later than 90 days after transfer of ownership.
 - (2) For new sources, a one-time Compliance Report is due within 90 days of the start of discharge to the sewer collection system.
 - (3) No person shall rinse chairside traps, vacuum screens, or amalgam separators equipment in a sink or other connection to the sanitary sewer.
 - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in proper handling, management and disposal of mercury-

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- containing material and fixer-containing solutions and shall maintain training records that shall be available for inspection by the City of West Palm Beach Industrial Pretreatment Division during normal business hours.
- (5) Amalgam waste shall be stored and managed in accordance with the instructions of the recycler or hauler of such materials.
- (6) Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.
- (7) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is permitted.
- (i) All owners and operators of dental vacuum suction systems, except as set forth in subsections (j) and (k) of this section, shall comply with the following:
- (1) An ISO 11143 or ANSI/ADA Standard No. 108 certified amalgam separator or equivalent device shall be installed for each dental vacuum suction system. The installed device must be ISO 11143 or ANSI/ADA Standard No. 108 certified as capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units from the same manufacturer and of the same technology are ISO-certified.
- (2) Proof of certification and installation records shall be submitted to the City of West Palm Beach Industrial Pretreatment Division within 30 days of installation.
- (3) Amalgam separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be available for immediate inspection upon request therefor by the City of West Palm Beach Industrial Pretreatment Division designee during normal business hours. Records shall be maintained for a minimum of three years.
- (j) Facilities with vacuum suction systems that meet all the following conditions may apply to the City of West Palm Beach Industrial Pretreatment Division for an exemption to the requirements of subsection (i) of this section:
- (1) The system is a dry vacuum pump system with an air-water separator.
- (2) The sedimentation tank is non-bottom draining, with the drain above the anticipated maximum level of accumulated sludge.
- (3) Evidence of regular pump outs by a licensed hauler (a minimum of once a year, or more often if either directed by the manufacturer or necessary to keep solids from exiting through the drain) is maintained and open to inspection by city staff during normal business hours.
- (4) The system has no direct discharge pipe to the sewer on the bottom of the sedimentation tank.

An owner or operator whose facility meets conditions (1) through (4) may apply for this exemption by written letter to the City of West Palm Beach Industrial Pretreatment Division. An IPP designee will review the system and, if the exemption is approved, shall provide a written letter of exemption.

An exemption obtained pursuant to this subsection (j) shall expire upon installation of a new vacuum system. Upon expiration of the exemption, the facility shall comply with subsection (i) of this section before commencing further operation.

(k) Dental dischargers that exclusively practice one or more of the following specialties are not subject to the requirements of this section: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prosthodontistry.

(l) Dental practices that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, are exempt from the requirements of this part, provided the dental practice:

(1) Submits the following statement to the City of West Palm Beach Industrial Pretreatment Division, signed by a responsible corporate officer, general partner, proprietor, or a duly authorized representative by the applicable compliance deadline identified in Section 90-126 (h)(1) and 90-126 (h)(2):

“This facility is a dental discharger subject to this rule and does not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances. I am a responsible corporate officer, a general partner or proprietor (if the facility is a partnership or sole proprietorship), or a duly authorized representative in accordance with the requirements of § 403.12(l) of the above named dental facility, and certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(2) Removes dental amalgam for limited emergency or unplanned, unanticipated circumstances, less than 10 times per year or no more than 10% of dental procedures; and

(3) The dental practice notifies the City of West Palm Beach of any changes affecting the applicability of this certification.

(4) Disposal of hauled waste from dental facilities to the sanitary sewer is prohibited in accordance with Section 90-126 (b) (8).

(hm) *Control of discharge.* If any wastes or wastewaters are discharged, or are proposed to be discharged, to the WWF which contain the substances or possess the characteristics enumerated in this section as prohibited by this article, do not meet applicable pretreatment standards and requirements, and/or which may have a deleterious effect upon the WWF, its processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (1) Reject the wastes or deny or condition the introduction of new sources of wastewater to the WWF; or
- (2) Require the industrial user to demonstrate that in-plant improvements will modify the discharge to such a degree as to be acceptable; and/or
- (3) Require pretreatment of the industrial user's discharge to ensure compliance with this article; and/or
- (4) Require payment of an industrial waste surcharge to cover the added cost of handling and treating excess loads imposed on the WWF by such discharge. Surcharge amounts shall be established by a resolution of the city, together with a schedule of rates and fees of the WWF. Imposition of industrial waste surcharges for the recovery of treatment costs does not replace or supersede the requirements for pretreatment facilities, should they be found necessary by the city.

SECTION 2: Specific authority is hereby granted to codify this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole, or any other part thereof.

SECTION 5: This Ordinance shall take effect as provided by law.


[SIGNATURES ON FOLLOWING PAGE]

FIRST READING THIS 3RD DAY OF MAY, 2021.

SECOND READING AND PASSAGE THIS 17TH DAY OF MAY, 2021.




ATTEST:

X 

CITY CLERK
Signed by: Hazeline F Carson

**CITY OF WEST PALM BEACH BY
ITS CITY COMMISSION:**

X 

PRESIDING OFFICER
Signed by: Joseph Alfred Peduzzi

**APPROVED AS TO FORM AND
LEGALITY:**

5/17/2021

X 

CITY ATTORNEY
Signed by: Farah Lolagne Nerette